

REMARKS

By the foregoing amendment, Claim 10 has been added to more precisely define the Applicant's invention. Thus, the Applicant's inventive construction can be utilized to provide, for example, a shower chair or a conventional chair, in addition to providing a toilet chair. The Applicant submits that no new matter has been introduced by the foregoing amendment because the subject matter of the amendment is clearly described in the specification and is clearly shown in the drawings. Accordingly, in view of the foregoing amendment and the discussion which follows, the Applicant respectfully submits that this application is in condition for allowance and requests that the Examiner reconsider his rejection of the claims and pass this case to issue.

Claims 1, 2 and 4 stand rejected under 35 USC 102(b) as being anticipated by US Patent No. 5,626,389 to Logan, Jr. Since newly added Claim 10 is very similar to Claim 1, the rejection will be treated as including a rejection of Claim 10. This rejection is respectfully traversed. The Applicant's claimed invention is a deceptively simple and economical construction that satisfies a long-felt need. According to the claimed invention, as set forth in independent Claim 1, with Claims 2 and 4 depending therefrom, and in newly added independent Claim

10, a seat is secured to a support member which in turn pivots on a base frame so that the seat can be moved between a substantially horizontal orientation and an angled orientation. Arm rests are provided which are coupled to both the support member and the base frame. The arm rests function to assist the user in raising and lowering the seat. In contrast, Logan, Jr. discloses a complex mechanism which utilizes a parallel four-bar linkage to interconnect a seat and a frame. Thus, according to Logan, Jr., the seat always remains substantially horizontal as it is moved between a lower orientation and a raised orientation, as opposed to the Applicant's claimed construction wherein the seat itself pivots relative to the base frame as it is moved. The pivoting portion 444 of Logan, Jr.'s seat is hingedly connected to the portion 442 of the seat, not to the base frame (see column 8, lines 30-33), so that the two seat portions pivot relative to each other, not relative to the base frame, as called for by the Applicant's independent Claims 1 and 10. Thus, the Applicant's claimed construction provides its intended function with simple pivot axes, without the complex linkages of Logan, Jr. Accordingly, the Applicant submits that Claims 1, 2, 4 and 10 are not anticipated by Logan, Jr., nor are they suggested by Logan, Jr. The Applicant therefore

respectfully requests withdrawal of the rejection of Claims 1, 2, 4 and 10 under 35 USC 102(b) over Logan, Jr.

Claims 3 and 5-9 stand objected to as being dependent upon a rejected base claim, but are indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. In view of the previous discussion, the Applicant submits that these claims are allowable as presently constituted.

Claims 1-9, as originally presented, and newly added Claim 10, are presented for consideration in this application. In view of the foregoing amendment and discussion, the Applicant submits that all of the Claims 1-10 are now clearly allowable and favorable action in that regard is earnestly solicited. If the Examiner is of the opinion that such action cannot be taken, he is invited to telephone the undersigned at (908) 719-8961 to discuss this matter without the necessity for any further Office Action.

Respectfully submitted,

David L. Davis
Reg'n. No. 24,812
Attorney for Applicant

90 Washington Valley Road
Bedminster, NJ 07921
(908) 719-8961
DLD:ab/1384